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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

National Audubon Society, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:20-cv-00206-SLG
)	
Scott de le Vega, et al.,)	
)	
Defendants.)	Intervenor-Defendant State of
)	Alaska's Response to Defendants'
)	Motion for Continuation of Stay

On September 7, 2021, federal defendants filed their Joint Status Report in which the federal defendants have requested that the current stay in proceedings be extended an additional 120 days. ECF No. 34. This request is federal defendants' fourth such request, and, if adopted by this Court, will result in the stay of proceedings in this matter for at least 10 months. The State of Alaska is concerned that federal defendants are unnecessarily delaying these proceedings, and oppose the current motion.

Following the change in presidential administration, and in response to President Biden’s call that certain federal actions be reviewed, on March 11, 2021, federal defendants proposed their initial 60-day stay. ECF No. 27. This stay was required “to accommodate review of this matter by new officials within the United States Department of the Interior.” *Id.* at 2. On May 10, 2021, federal defendants requested that the stay be continued for an additional 60 days “[d]ue to the volume of natural resources matters under review by new administration officials, some of whom have only recently started in their positions with the Department.” ECF No. 29. The State of Alaska took no position on these initial stays in litigation, as they seemed reasonable.

On July 9, 2021, federal defendants again requested that the stay be continued for an additional 60 days. ECF No. 32. At that time, federal defendants committed to “identify the next steps with regard to the [Integrated Activity Plan (“IAP”)] for the parties not less than fourteen days prior to the end of the 60-day period and in advance of information the Court.” *Id.* at 1. In response to that proposal, the State of Alaska noted that the Department of Interior “has had nearly six months to conduct its review of this matter to determine how to proceed, and [the State] is likely to oppose any additional extensions or delays of this matter.” *Id.* at 2.

Now, instead of identifying the next steps with regard to the IAP, federal defendants request yet another stay, this time for 120 days. ECF No. 34. With its motion, federal defendants provide a memorandum from the Principal Deputy Assistant Secretary, Land and Minerals Management dated September 3, 2021. ECF No. 34-1 at 3.

This memorandum, however, provides no detail regarding what steps BLM is to undertake in relation to the IAP, and instead merely directs the agency to “undertake an evaluation of the 2020 IAP/EIS [environmental impact statement], associated subsistence evaluation, and existing biological opinions, to determine whether they remain adequate under the National Environmental Policy Act, Section 810 of the Alaska National Interest Lands Conservation Act, and Endangered Species Act, respectively, for purposes of the Department potentially adopting, in a new ROD [record of decision], a different alternative from the 2020 IAP/EIS.” *Id.* at 3. This is what BLM has purportedly been doing for the past eight months! And, now, the justification for continuing the stay is apparently a memorandum that says little more than “carry on.”

If BLM has thus far been unable to even outline steps to take in regard to its IAP review, it is unclear how an additional 120 days will provide anything more than additional delay. What is new, however, is that the September 3 memorandum directs BLM “to not offer tracts in an oil and gas lease sale in the NPR-A in areas newly opened to leasing under the 2020 ROD.” *Id.* at 3. Until BLM issues a new record of decision, or until this court holds it unlawful, as plaintiffs pray, the 2020 ROD continues to be operative. Given the State’s significant interest in the responsible development of oil and gas resources in the NPR-A, the State supports continued oil and gas leasing under the 2020 ROD. Accordingly, the State of Alaska opposes continuing the stay in proceedings, and requests that this court require the parties to confer regarding establishing a reasonable schedule for briefing on the merits.

DATED: September 8, 2021.

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CERTIFICATE OF SERVICE

I certify that on **September 8, 2021**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will serve all counsel of record.

/s/ Hannah B. Pothast
Law Office Assistant